

DC 20423; and (2) petitioners' representative, Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Ave., Chicago, IL 60601.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 21, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-16782 Filed 7-6-95; 8:45 am]

BILLING CODE 7035-01-P

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 1733-95]

#### Special Filing Instructions for ABC Class Members

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** The Immigration and Naturalization Service (INS) announces the issuance to all affected parties of special instructions for class members eligible for benefits under the settlement reached in *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991) (ABC class members). These instructions describe who is currently eligible for settlement benefits and which class members will be required to file an Application for Asylum (INS Form I-589) to maintain eligibility for those benefits.

**EFFECTIVE DATE:** July 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** Christine Davidson, Senior Policy Analyst, Office of International Affairs, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Attn: ULLICO, Third Floor; Telephone (202) 633-4389.

**SUPPLEMENTARY INFORMATION:** The settlement in *American Baptist Churches v. Thornburgh* resolved an action filed against the United States Department of Justice and the United States Department of State challenging the processing of asylum claims by Salvadoran and Guatemalan nationals pursuant to the Refugee Act of 1980. Under the settlement, eligible nationals of Guatemala and El Salvador are entitled to a new asylum interview before an INS asylum officer under the regulations in effect on October 1, 1990.

This notice provides for the issuance of special instructions, entitled "Special Filing Instructions for ABC Class Members," Form I-855. These instructions outline the eligibility criteria for settlement benefits, as well as specific procedures ABC class members should follow in filing an

Application for Asylum, Form I-589, or an Application for Employment Authorization, Form I-765. The instructions listed on Form I-855 only supplement, and do not replace, the filing instructions on INS Forms I-589 and I-765.

As specified in the Form I-855, class members are to file all applications for asylum and employment authorization with the appropriate INS Service Center. This instruction supersedes a prior instruction published at 59 FR 62751, dated December 6, 1994, that such applications should be filed at the appropriate local INS office if the class member had originally filed an asylum application with an immigration judge in exclusion or deportation proceedings. Additionally, for those who have questions or need advice, the INS will distribute with the Form I-855 a list of legal service providers developed by class counsel. This list is not intended in any way to limit class members in seeking legal advice.

The Form I-855 is reproduced below, with the exception of the legal services list. The information collection requirement contained in this notice has been submitted to the Office of Management and Budget for review and approval under the Paperwork Reduction Act.

Dated: June 27, 1995.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

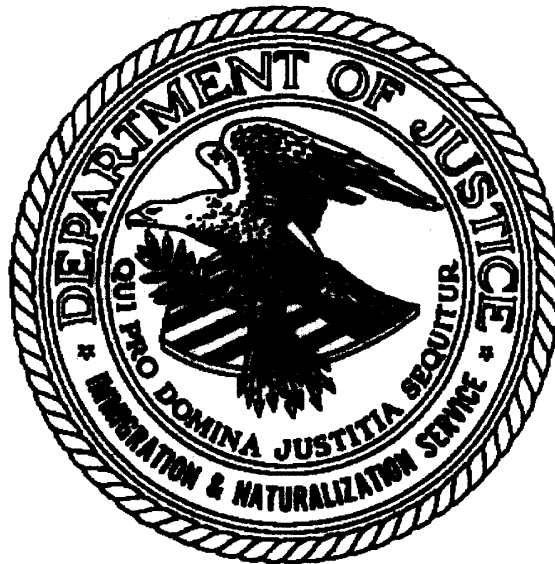
**Note:** The Special Filing Instructions for ABC class members will not appear in the Code of Federal Regulations.

BILLING CODE 4410-10-M

U.S. Department of Justice  
Immigration and Naturalization Service

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Special Filing Instructions for  
**ABC CLASS MEMBERS**



## SPECIAL FILING INSTRUCTIONS FOR ABC CLASS MEMBERS

### INDEX

Parts	Page No.
1. General .....	01
2. Eligibility .....	01
3. Maintaining Eligibility .....	01
4. Asylum Application Procedures .....	01
5. Employment Authorization .....	02
6. Change of Address .....	02
7. Other Information .....	02

### PART 1. GENERAL.

If you are eligible for benefits under the ABC settlement agreement (American Baptist Churches v. Thornburgh, 760 F. Supp.796 (N.D. Cal. 1991)), these instructions have important information about how you must file asylum and work authorization applications. Read them carefully. They supplement any other INS instructions. Where these instructions differ from other INS instructions, you should follow these instructions.

**IF YOU HAVE QUESTIONS OR NEED ADVICE, CALL YOUR LAWYER OR AN ORGANIZATION ON THE ATTACHED LIST.**

**IF YOU ARE SALVADORAN AND YOU DO NOT HAVE AN ASYLUM APPLICATION ON FILE WITH THE INS OR THE IMMIGRATION JUDGE, YOU MUST FILE A COMPLETE ASYLUM APPLICATION IN ORDER TO KEEP YOUR ABC BENEFITS.**

You can get the forms mentioned in these instructions by going to your local INS office and asking for an "ABC packet." You can also get an "ABC packet" in the mail by calling the INS at 1-800-755-0777. The "ABC packet" contains the Form I-589 (Rev. 11-16-94) (Application for Asylum and for Withholding of Deportation); Form I-765 (Rev. 04-25-95) (Application for Employment Authorization); the FD-258 (Fingerprint Card); the I-765 Signature Card; the ABC Change of Address Form (with Spanish translation); these Special Filing Instructions (with Spanish translation); a list of legal services; and an ABC filing chart (with Spanish translation).

### PART 2. ELIGIBILITY.

**Who is eligible for ABC benefits now?**

Almost any SALVADORAN who:

- Was in the United States as of September 19, 1990; and
- Registered for TPS (Temporary Protected Status), or
- Registered for ABC by October 31, 1991.

Almost any GUATEMALAN who:

- Was in the United States as of October 1, 1990, and
- Registered for ABC by December 31, 1991, and
- Filed an asylum application by January 3, 1995.

### PART 3. MAINTAINING ELIGIBILITY.

**Who must file the asylum application (Form I-589)?**

If you are SALVADORAN OR GUATEMALAN and you have an asylum application on file with the INS or the Immigration Judge, you do not need to file a new one to keep your ABC benefits.

If you are SALVADORAN and you do not have an asylum application on file with the INS or the Immigration Judge, **YOU WILL HAVE TO FILE ONE SOON** in order to keep your ABC benefits. The deadline will probably be sometime in late 1995. If you have not already filed, **YOU SHOULD FILE AN ASYLUM APPLICATION AS SOON AS POSSIBLE TO AVOID MISSING THE DEADLINE.** If you registered for TPS and informed the INS of your current address using the ABC Change of Address Form, you should receive a notice by mail informing you of the filing deadline to remain eligible for your ABC rights.

If you are GUATEMALAN and have not yet filed an asylum application with the INS or the Immigration Judge, you have probably lost your ABC benefits and these Special Filing Instructions do not apply to you. You can still file an asylum application, but you will not receive any ABC benefits. You may wish to talk to a lawyer or an organization on the attached list to decide if you are still eligible.

### PART 4. ASYLUM APPLICATION PROCEDURES.

**How to fill out the asylum application:**

Write "ABC" in the top right corner of any asylum application you submit. This will help the INS to know that special rules apply to you.

You may use the old version of the asylum application Form I-589 (Rev. 08-01-91).

You may also use the new version of the asylum application, Form I-589 (Rev. 11-16-94). If you use the new form, some of these instructions do not apply to you. Read the following carefully:

- You may apply for a work permit at the same time that you file your asylum application. There is no waiting period for filing. Special rules apply to your application for work authorization. They are listed in Part 5 below under the heading "HOW TO APPLY FOR EMPLOYMENT AUTHORIZATION."
- When answering question 15 on the new Form I-589 (Rev. 11-16-94), do not write any information about a past asylum decision. Also, do not attach to your application any documents about a past asylum decision.

Send your asylum application by mail to the INS Service Center which has jurisdiction over your residence as indicated on the attached chart (Page 3), even if your case is (or was) before the Immigration Judge. This chart summarizes the instructions to the Forms I-589 (Rev. 11-16-94) and I-765 (Rev. 04-25-95) regarding where you should file the applications. **Reminder:** Make sure you write "ABC" in the top right corner of your asylum application.

If you have filed an asylum application and have new documents which help prove your case, bring three copies of these documents to your asylum interview. If you want to file a new asylum application, mail it to the INS Service Center with jurisdiction over your residence, as indicated on the attached chart. Mark your new application with your A-number and the notation "ABC I-589 supplement." You must provide three copies of the application and any supporting documents.

#### PART 5. EMPLOYMENT AUTHORIZATION.

How to apply for employment authorization (Form I-765):

You must have an asylum application (Form I-589) on file with the INS or the Immigration Judge in order to receive a work permit. You may submit the asylum application and the work authorization application together by filing both applications with the Service Center where you file your asylum application. If you submit these applications together, you must submit the required number of photographs for EACH application, in accordance with the instructions on the forms.

The instructions to the work authorization application, Form I-765 (Rev. 04-25-95), ask you to submit evidence that you previously filed an asylum application. You are not required to submit this evidence when you apply, but it will help the INS process your request quickly.

If you are renewing or replacing your work permit, you must pay the filing fee.

Write "ABC" in the top right corner of your work authorization application. You must identify yourself as an ABC class member if you are applying for work authorization under the ABC settlement agreement.

Write "(c)(8)" in the eligibility section of the work authorization application.

You are entitled to work authorization without regard to the merits of your asylum claim and your application for work authorization will be decided within 60 days if you pay the filing fee, have a complete, pending asylum application on file, and write "ABC" in the top right corner of your work authorization application. If you do not pay the filing fee for an initial work authorization request, your request may be denied if the INS finds that your asylum application is frivolous.

If you cannot pay the filing fee for a work permit, you may qualify for a fee waiver. You may wish to talk to a lawyer or an organization on the attached list to decide if you can file a fee waiver.

Send your work authorization application by mail to the INS Service Center which has jurisdiction over your residence as indicated on the attached chart (Page 3), even if your case is (or was) before the Immigration Judge. This chart summarizes the instructions to the Forms I-589 (Rev. 11-16-94) and I-765 (Rev. 04-25-95) regarding where you should file the applications.

If you are SALVADORAN and have TPS/DED (Deferred Enforced Departure) work authorization valid until September 30, 1995, you should file your work authorization application as soon as possible so that you will receive a new work permit before your old one expires.

#### PART 6. CHANGE OF ADDRESS.

How to notify the INS if you change your address:

If you change your address, you must notify the INS. Use the attached ABC Change of Address Form (Form I-855). Be sure to include your A-number on this form. Send this form to: ABC Project, Immigration and Naturalization Service, P.O. Box 96821, Washington, DC 20090. DO NOT SEND ANY OTHER MATERIALS TO THIS ADDRESS. THE INS WILL NOT ACCEPT ANY OTHER MATERIALS AT THIS ADDRESS. Once you have filed an asylum application with the INS, you are encouraged to also send a copy of the ABC Change of Address Form to your local Asylum Office to notify them of your new address.

#### PART 7. OTHER INFORMATION.

MAKE SURE THAT YOU KEEP A COPY OF ALL FORMS AND DOCUMENTS THAT YOU MAIL OR BRING TO THE INS.

These Special Filing Instructions are designed only to explain the INS' implementation of certain provisions of the ABC Settlement and do not constitute an instruction within the meaning of 8 CFR 103.2.

**Paperwork Reduction Act.** The Immigration and Naturalization Service (INS) tries to create forms and instructions which are accurate and easily understood. Often this is difficult because immigration law can be very complex. The public reporting burden for this form is estimated to average two (2) hours and thirty (30) minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The INS welcomes your comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing this burden, to: U.S. Department of Justice, Immigration and Naturalization Service, 425 Eye Street, Room 5307, Washington, DC 20536; and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0163, Washington, DC 20503.

**ABC Filing Chart (Tabla Para Remisión de Solicitudes de ABC)**

Choose the Appropriate Center to File Applications (Escoja el Centro Apropiado a Donde Enviar Solicitudes)

If You Live In (Si Ud. Vive En)	And You Send (Y Ud. Envíe)	
	I-765 Only* (Permiso de Empleo Sólo*)	I-589 Only OR I-589 & I-765 Together** (Asilo sólo o con empleo**)
Alabama	TX	TX
Alaska	NE	NE
Arizona	CA	CA
Arkansas	TX	TX
California, North (Page 4, Página 4)	CA	NE
California, South (Page 4, Página 4)	CA	CA
Colorado	NE	TX
Connecticut	VT	VT
Delaware	VT	VT
Florida	TX	TX
Georgia	TX	TX
Hawaii	CA	NE
Idaho	NE	NE
Illinois	NE	NE
Indiana	NE	NE
Iowa	NE	NE
Kansas	NE	NE
Kentucky	TX	NE
Louisiana	TX	TX
Maine	VT	VT
Maryland	VT	TX
Massachusetts	VT	VT
Michigan	NE	NE
Minnesota	NE	NE
Mississippi	TX	TX
Missouri	NE	NE
Montana	NE	NE
Nebraska	NE	NE
Nevada, North (Page 4, Página 4)	CA	NE

If You Live In (Si Ud. Vive En)	And You Send (Y Ud. Envíe)	
	I-765 Only* (Permiso de Empleo Sólo*)	I-589 Only OR I-589 & I-765 Together** (Asilo sólo o con empleo**)
Nevada, South (Page 4, Página 4)	CA	CA
New Hampshire	VT	VT
New Jersey	VT	VT
New Mexico	TX	TX
New York	VT	VT
North Carolina	TX	TX
North Dakota	NE	NE
Ohio	NE	NE
Oklahoma	TX	TX
Oregon	NE	NE
Pennsylvania, East (Page 4, Página 4)	VT	VT
Pennsylvania, West (Page 4, Página 4)	VT	TX
Rhode Island	VT	VT
South Carolina	TX	TX
South Dakota	NE	NE
Tennessee	TX	TX
Texas	TX	TX
Utah	NE	TX
Vermont	VT	VT
Virginia	VT	TX
Washington	NE	NE
West Virginia	VT	TX
Wisconsin	NE	NE
Wyoming	NE	TX
Dist. of Columbia	VT	TX
Guam	CA	NE
Puerto Rico	VT	TX
Virgin Islands	VT	TX

\* "I-765 Only" refers to any Form I-765 Application for Employment Authorization based on a previously-filed asylum application, even if you are including a copy of the asylum application to prove that an asylum application was filed. ("Sólo permiso de empleo" significa presentar la solicitud para permiso de empleo a base de una solicitud pendiente de asilo, hasta si Ud. incluye una copia de la anterior solicitud para asilo para comprobar que ya se presentó.)

\*\* "I-589 Only OR I-589 & I-765 Together" refers to a Form I-589 Application for Asylum and for Withholding of Deportation that is being filed as a formal application either for the first time or to supplement an application on file with the INS, alone or with an I-765. ("Asilo sólo o con permiso de empleo" significa una solicitud de asilo que se presenta formalmente por primera vez o para agregarse a una solicitud pendiente con INS. Se puede enviar la solicitud de asilo sólo o junto con una solicitud de permiso de empleo.

**SEE PAGE 4 FOR ADDRESSES (VEA PÁGINA 4 PARA DIRECCIONES)**

**Service Centers Where Applications Are To Be Filed  
(Centros a Donde Enviar las Solicitudes)**

**CA = INS California Service Center**  
P.O. Box 10765  
Laguna Niguel, CA 92607-0765

**NE = INS Nebraska Service Center**  
P.O. Box 87765  
Lincoln, NE 68501-7765

**TX = INS Texas Service Center**  
P.O. Box 152122, Department A  
Irving, TX 75015-2122

**VT = INS Vermont Service Center**  
P.O. Box 9765  
St. Albans, VT 05479-9765

**Notes to Chart on Page Three  
(Notas Para la Tabla de la Tercera Página)**

**California, South** is the counties of:  
(California, Sur consiste en los condados siguientes:)

Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura.

**California, North** is all other counties in California.  
(California, Norte consiste en todos los demás condados de California.)

**Nevada, South** is the counties of:  
(Nevada, Sur consiste en los condados siguientes:)

Clarke, Esmeralda, Lincoln, Nye.

**Nevada, North** is all other counties in Nevada.  
(Nevada, Norte consiste en todos los demás condados de Nevada.)

**Pennsylvania, West** is the counties of:  
(Pensilvania, Occidente consiste en los condados siguientes:)

Allegheny, Armstrong, Beaver, Bedford, Butler, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland.

**Pennsylvania, East** is all other counties in Pennsylvania.  
(Pensilvania, Oriente consiste en todos los demás condados de Pensilvania.)

U.S. Department of Justice  
Immigration and Naturalization ServiceOMB No. 1115-XXXX  
ABC Change of Address Form

## AVISO 18

AMERICAN BAPTIST CHURCHESFORMULARIO PARA CAMBIO DE DIRECCIÓN  
(Inglés y Español)

Yo he solicitado la Protección Provisional "TPS" o las disposiciones de *American Baptist Churches*, y mi dirección actual es distinta de la que puse en la solicitud.

Nombre y apellido \_\_\_\_\_

Número de Expediente A- \_\_\_\_\_

Mi dirección ACTUAL de domicilio es:

Mi país de nacimiento es: \_\_\_\_\_

Fecha de nacimiento: \_\_\_\_\_

La última dirección que informé a INS es:

Firma \_\_\_\_\_ Fecha \_\_\_\_\_

## COMPLETE ESTE FORMULARIO Y ENVÍELO A:

ABC Project  
Immigration and Naturalization Service  
P.O. Box 96821  
Washington, DC 20090

No envíe otras cosas a esta dirección. INS no las aceptará.

## GUARDE COPIA DE ESTE FORMULARIO.

**RECUERDE:** SI SE ~~QUIERE~~ CAMBIE DE DIRECCIÓN DE NUEVO, DEBE DE INFORMAR AL SERVICIO DE INMIGRACIÓN ("INS"), EN LA DIRECCIÓN SEÑALADA. PUEDE USAR ESTE FORMULARIO. SI NO INFORMA AL INS SU CAMBIO DE DIRECCIÓN, PODRÍA PERDER SU DERECHO DE UNA NUEVA ENTREVISTA Y DECISIÓN DE ASILO.

En cuanto tenga una solicitud de asilo pendiente con INS, se le recomienda enviar copia de este formulario de ABC de cambio de dirección a su oficina local de asilo.

Form I-855 (07-05-95)

## NOTICE 18

AMERICAN BAPTIST CHURCHESCHANGE OF ADDRESS FORM  
(English and Spanish)

I have applied for TPS or for benefits under *American Baptist Churches* and have a different address from the address on my registration application.

Name \_\_\_\_\_

A-Number A- \_\_\_\_\_

My NEW address is:

My country of birth is: \_\_\_\_\_

Date of birth: \_\_\_\_\_

The last address I reported to INS is:

Signature \_\_\_\_\_ Date \_\_\_\_\_

## FILL OUT THIS FORM AND SEND IT TO:

ABC Project  
Immigration and Naturalization Service  
P.O. Box 96821  
Washington, DC 20090

Do not send anything else to this address. INS will not accept it.

## KEEP A COPY OF THIS FORM.

**REMINDER:** IF YOUR ADDRESS CHANGES AGAIN YOU MUST INFORM INS AT THE ABOVE ADDRESS. YOU MAY USE AN ABC CHANGE OF ADDRESS FORM. YOU CAN LOSE YOUR RIGHT TO A NEW ASYLUM INTERVIEW AND DECISION IF YOU DO NOT INFORM INS OF YOUR CHANGE OF ADDRESS.

Once you have filed an asylum application with the INS, you are encouraged to also send a copy of this ABC Change of Address form to your local Asylum Office.